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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Rulemaking to Amend Parts 1,) CC Docket No. 92-297
21 and 25 of the Commission's Rules)
to Redesignate the 27.5 - 29.5 GHz)
Frequency Band, to Reallocate the)
27.5 - 30.0 GHz Band, to Establish Rules)
and Policies for Local Multipoint)
Distribution Services and the)
Fixed Satellite Service)
)
and)
)
Suite 12 Group Petition for Pioneer's) PP-22
Preference)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Commission

OPPOSITION OF TELEDESIC CORPORATION
TO MOTION FOR EXTENSION OF TIME FOR FILING COMMENTS

Teledesic Corporation ("Teledesic"), an applicant for authority to construct, launch and operate a hybrid non-geostationary orbit ("NGSO") satellite system, by its attorneys and pursuant to Section 1.46 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.46, hereby opposes the motion for extension of time for filing comments of the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Association ("TIA").

In its motion, TIA requests an extension of ten days to September 7, 1995 to file comments in response to the Commission's Third Notice of Proposed Rulemaking and Supplemental Tentative Decision in the above-captioned proceeding.¹ TIA bases its request

¹ Rulemaking to Amend Parts 1, 21 and 25 of the Commission's Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band, to Reallocate the 27.5 - 30.0 GHz Band, to Establish Rules and Policies for Local Multipoint Distribution Services and the Fixed Satellite Service. FCC 95-287, CC Docket No. 92-297 (released July 28, 1995) ("Third NPRM").

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on the fact that "August is summer vacation" and it is difficult to coordinate and produce comments acceptable to all TIA participants. TIA Motion for Extension of Time for Filing Comments, at 1. Such a basis for an extension does not satisfy the FCC's good cause requirement and TIA's motion must be denied.

The parties to this proceeding have had ample opportunity to formulate their views and advocate their positions. Over two years ago the Commission initiated the above-captioned proceeding to consider redesignating a portion of the Ka band (i.e., 27.5 - 29.5 GHz band) for local multipoint distribution service ("LMDS"). Rulemaking to Amend Part 1 and Part 21 of the Commission's Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band and to Establish Rules and Policies for the Local Multipoint Distribution Service, 8 FCC Rcd 557 (1993). Because the FCC could not determine whether interference would result from the shared use of the Ka band between satellite services and the LMDS, the FCC established a Negotiated Rulemaking Committee last year to seek consensus on technical rules that would facilitate shared use of the Ka band by satellite services and the LMDS. The Negotiated Rulemaking completed its detailed analyses and deliberations last fall and concluded that co-frequency sharing between satellite services and the proposed LMDS is not possible. FCC, Report of the LMDS/FSS 28 GHz Band Negotiated Rulemaking Committee, (Sept. 23, 1994). Since the conclusion of the deliberations of the Negotiated Rulemaking Committee in September 1994, the parties to this proceeding have had ample opportunity to advocate overtly and in writing their positions on all issues in this proceeding, including the 27.5 - 30.0 GHz band ("28 GHz band") segmentation plan. TIA has been an active participant in this proceeding and should not need additional time to comment on the questions set forth in the Third NPRM.

Therefore, a ten day extension of time for TIA to file comments is not necessary and its motion should be denied.

Further, it is imperative that the Commission adopt the proposed 28 GHz band segmentation plan contained in the Third NPRM in the form of a final report and order prior to the commencement of the 1995 World Radiocommunication Conference ("WRC-95" or "Conference") on October 23, 1995. Any extension of the comment date would make it nearly impossible for the FCC to adopt a 28 GHz band segmentation plan prior to the commencement of WRC-95.

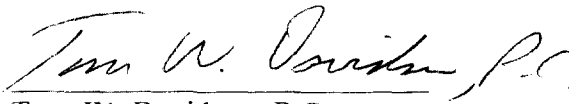
For the United States to be effective in securing an adequate allocation of spectrum at WRC-95 for NGSO satellite systems operating in the fixed satellite service ("FSS") and NGSO satellite systems operating mobile satellite service ("MSS") feeder links, the FCC must conclude its deliberations concerning the domestic use of the 28 GHz band prior to commencement of the Conference. At the recently concluded 1995 Conference Preparatory Meeting ("CPM-95") and subsequent bilateral negotiations, foreign delegations were critical of the United States for even considering the domestic local multipoint distribution service ("LMDS") terrestrial allocation in a band globally allocated for satellite services. In fact, because of the pending 28 GHz proceeding and the FCC's consideration of licensing an incompatible terrestrial service in the 28 GHz band, the United States' commitment to satellite services in general was questioned at CPM-95. Any further lack of U.S. commitment to preserve existing global satellite allocations will ultimately hamper United States efforts to obtain much needed designations for NGSO FSS and MSS feeder link use at WRC-95.

Therefore, the FCC must adopt a 28 GHz band segmentation plan prior to commencement of WRC-95.

Based on the foregoing, the FCC must deny TIA's Motion For Extension of Time for Filing Comments.

Respectfully submitted,

TELEDESIC CORPORATION

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August 21, 1995

CERTIFICATE OF SERVICE

I, Eileen O'Hara, an employee of Akin, Gump, Strauss, Hauer & Feld, L.L.P., certify that copies of the foregoing **OPPOSITION OF TELEDESIC CORPORATION TO MOTION FOR EXTENSION OF TIME FOR FILING COMMENTS** were sent via Hand Delivery or by First Class U.S. Mail, postage prepaid, on this 21st day of August, 1995, to the following parties:

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